



Council Agenda Report

To: Mayor Kearsley and the Honorable Members of the City Council

Prepared by: Vic Peterson, Environmental and Community Development Director

Approved by: Katie Lichtig, City Manager

Date prepared: July 13, 2003 Meeting date: July 30, 2003

Subject: Fourth Quarter Fiscal Year 2002-2003 Work Program Status Report – Environmental and Community Development Department

DEPARTMENT OVERVIEW: This fourth quarter fiscal year review provides the opportunity to present the first comprehensive department overview for the newly formed Environmental and Community Development Department. In order to provide a clear picture of current departmental activities we are categorizing the information provided by the departmental divisions: Planning Division, Permit Services Division and Environmental and Building Safety Division.

The Environmental and Community Development Department has made significant progress in a very short period of time to achieve both City Council and departmental goals and objectives. This has been a team effort. The communication and cooperation between the divisions has resulted in significant advances to customer service, records management, budgetary management and the protection of health and safety of the community. The Division Managers, Gail Sumpter, Ed Knight and Craig George have been at the forefront of these efforts.

The following is a brief update by the respective Division Managers on current activity within their division:

Planning Division:

Since the last quarterly report, a number of administrative changes have occurred in the Planning Division. The division staff now meets on a weekly basis to review agendas and discuss long term and short term concerns. As a result, agenda packets for the Planning Commission have been released in line with established City parameters. Further, the weekly staff meeting has helped to provide more consistency for ongoing planning issues, which results in more accurate information to the general public. As concerns are aired in the staff meetings, a Zone Code interpretation will be prepared to help staff members. The interpretations can also serve as useful barometers for future Zoning Text Amendments.

Although staff accomplishes a number of ongoing issues at the weekly meeting, the Quality Assurance Committee (QAC) still performs its functions and staff encourages applicants to take advantage of this function to aid in identifying planning issues at an early stage of the entitlement process. This can save time and afford the applicant the opportunity to evaluate the project from a planning perspective before significant investment of time and capital.

Staff has also undertaken the completion of forms and procedures for the issuance of Coastal Development Permits (CDPs) when necessary. While the appeal may delay implementation, the current effort includes a strategy plan to process CDPs and exemptions that have received local approval during the past several months. This strategy will still help the City when the issues have been resolved. Along with a strategy, the uniform application has been updated for CDPs, and is available for use by the City when the time comes.

Significant progress has been made to a number of Zoning Text Amendments and major projects. A staff review of the City's revised Local Coastal Program (LCP) has been completed, and the draft LCP should be released shortly to the public for review. The item will be before the City Council for formal consideration and adoption as the City's LCP submittal by late summer or early fall. Zoning Text Amendments before the Planning Commission in regard to basements, development permits, wireless telecommunication, and a minor change to the IZO have been completed by the Planning Commission and will be scheduled for City Council consideration. The final remaining Zoning Text Amendment regarding hillside development will be heard by the Planning Commission at their second meeting in July.

Additional progress has also been made for the MBC project. All comments on the draft EIR have been completed and submitted to the public, and a series of meetings were conducted with the Planning Commission to consider the projects

entitlements. The public hearing process before the Planning Commission was completed and the item is before the City Council.

Overall, the daily workload continues at a high level, in spite of the uncertainties revolving around the LCP. While Staff continues to be concerned about the size of the backlog and the workload once the LCP issues are resolved, the strategy to address this backlog can provide an orderly and expedited process for these projects.

Table No. 1: Planning Department Goals and Objects Fiscal Year 2002-2003		
GOALS AND OBJECTIVES	STATUS	COMMENTS
1. Compete clean up of Interim Zoning Ordinance amendments.	On-going	<p>Staff also continues to implement the Council priority of updating the Interim Zoning Ordinance (Chapter 17 of the Malibu Municipal Code) by pursuing various Zoning Text Amendments (ZTA). This process involves research, development, and report preparation for consideration by the Architects and Engineers Committee, Interim Zoning Ordinance Revisions and Code Enforcement Subcommittee, Planning Commission and City Council.</p> <p>The Planning Commission will conclude public hearings on the Council initiated Development Permit Ordinance amendment on May 19, 2003. Council has also provided direction to staff regarding Commercial Landscape and Open Space requirements and Basement definition and development standards. The Council will review these amendments next quarter.</p> <p>Staff has drafted a Hillside Development Management Ordinance, which was reviewed by the Interim Zoning Ordinance Revisions and Code Enforcement Subcommittee. Work has also been completed with the Lot Line Adjustment and Lot Merger sections of the City's Subdivision Ordinance.</p> <p>After each of these amendments are considered by the Council for</p>

		incorporation in the City's Zoning Code, they will be incorporated into the next LCP application.
2. Revise, clarify and streamline the project review process	On-going	The proposed Development Permit Zoning Text Amendment was scheduled to be heard at the June 2, 2003 Planning Commission meeting, staff requested a further continuance of the item in order to allow staff to review and incorporate new City Attorney comments received prior to the hearing. The Commission continued the item to its July 7, 2003 meeting. Due to the Planning Commission continuances, this item is now tentatively scheduled to be heard before the City Council in September 2003.
3. Enhance customer counter and telephone service	On-going	The public counter is staffed with two planners each day from 8:00 a.m. to 12:30 p.m. As reported last quarter, this is an increase in counter coverage time of 2 ½ hours each week, in addition to a doubling of the assigned personnel to the counter during those hours.
4. Manage the processing of the various development agreements (DA) and environmental impact reports (EIR) including Malibu Bay Company (MBC), Crummer, La Paz, Shultz, Rancho Malibu Hotel, and the former Windsail beachfront property restaurant, bar and spa.	On-going	<p>All cases have been assigned a project manager and environmental impact report consultants are under contract to prepare EIRs, where necessary. Project tracking notebook binders have been created and a consistent organization established. Each project manager is responsible for establishing a project timeline, tracking the progress of the project, DA and EIR, consultant billing, and assuring the work is completed according to the approved schedule.</p> <p><u>A. Malibu Bay Company (MBC) EIR/DA</u> The City Council held a special meeting on June 3, 2003 at which time legal staff was directed to pursue an alternative project/Development Agreement (referred to as Plan B) with the Malibu Bay Company (MBC) This was followed-up</p>

	<p>with a study session on June 9, 2003 where City staff and the environmental consultants summarized the initial Development Agreement components (including related entitlements and Draft Environmental Impact Report content) (referred to as Plan A), and answered questions of the City Council and the public.</p> <p>The first two public hearings before the City Council were held on Wednesday, June 18, 2003 and Saturday, June 21, 2003. At these hearings, staff provided the City Council with an update of the subsequent negotiations with MBC, and outlined some of the details of Plan B. Highlights included: the City acquisition of the Chili Cook-Off site, with MBC being a willing seller; the removal of the Donation Agreement from consideration (allowing the commercial development of the Point Dume property); the donation of \$2.5 million for the construction of ball fields at an undefined location within the City; and the support for the Urgent Care Center. The City Council further directed staff to continue negotiations with MBC.</p> <p>At the July 9, 2003 City Council meeting, the Council directed staff to present Plan B to the Planning Commission for its review and recommendation and report back to the City Council on July 22, 2003. Additional public hearings on this matter have been scheduled for July 22nd and 28th.</p> <p><u>B. Crummer EIR/DA</u></p> <p>In mid-April of 2002, the applicant presented a revised alternative site plan to the Coastal Commission staff, State Parks and City staff at an onsite meeting. The applicant presented this alternative to the City Council in late May 2002. The Council</p>
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directed staff to include the alternative in the EIR analysis. Representatives from the Crummer Trust have requested the City suspend work on the EIR. The EIR is now on hold.

C. La Paz EIR/DA

The EIR consultants are preparing the administrative draft EIR. In addition, traffic studies are being conducted and will serve as the basis for the Traffic and other portions of the draft EIR (i.e., Air Quality and Noise). The consultant has indicated that a draft should be ready for staff review by the end of the month. The administrative draft EIR, is scheduled to be released for public review in the next 60 days.

D. Shultz EIR/DA

The EIR consultants are completing preparation of the administrative draft EIR. In addition, traffic studies were conducted and will serve as the basis for the traffic, air quality, and noise portions of the draft EIR. The administrative draft EIR, is scheduled to be released for public review mid-August.

E. Rancho Malibu Hotel

The applicant continues with project condition / EIR mitigation compliance. The progress made in 2002 has included compliance with a substantial number of conditions that were required under compliance (which was achieved) with the overall site plan consistency condition. The remaining conditions for traffic mitigation and the configuration of lanes / ingress and egress at Malibu Canyon Road, along with a variety of technical items (i.e. wastewater, grading related items, landscape, etc.) shall continue into the first quarter of 2003-2004.

5. Complete the General Plan Housing Element Update and work on certification by the California Housing and Community Development Department (HCD).	On-going	Staff has been in contact with the California Housing and Community Development Department (HCD) to discuss a strategy for certification of the housing element. Staff has developed an incentive plan to allow for applicant generated development of 14 required low-income housing units and will review it with the City Attorney prior to submitting this to the City Council during the fourth quarter FY 2002-2003.
6. Maintain and enhance the Planning Department section of the City's website	On-going	The Planning Department Specialist has been assigned this task. The Planning Department website includes up to date summaries of all special projects, EIRs online for downloading and viewing, public hearing notices, complete Planning Commission staff reports and attachments.
7. Make Planning Department documents, such as the General Plan, Interim Zoning Ordinance, certified Final EIRs, available on CD and the City's website.	Complete	All EIRs, agendas, public notices and Council and Commission staff reports are posted on the website as soon as they are publicly circulated. The General Plan and Municipal Code are currently available on the website and for purchase by the public.
8. Continue GIS (computer mapping) work program.	On-going	The Planning Department and Engineering Department continue to evaluating options to develop a comprehensive GIS mapping system. A link to this database is available on the City's website.
9. Make the Planning Department Project Tracking System available on the City's website and at the public counter computer.	On-schedule	Staff is currently coordinating with the database development specialist for the development of a project tracking database. This project began prior to the department reorganization and has since been re-designed to track a broader scope of information regarding development. It is expected that additions will be made to the database throughout the upcoming fiscal year.

10. Provide Planning Commission staff reports online through the website.	Complete	All Planning Commission staff reports are available on the City's website 7 to 10 days prior to the Planning Commission public hearing. Staff report attachments and projects plans are now available on the website
11. Develop Planning Department employee retention incentives.	On-going	The City has implemented the 9/80 work schedule. A significant budget for professional development is in place and staff is encouraged to take advantage of it.

Table No. 2: Performance Measures / Indicators for Fiscal Year 2002-2003			
PERFORMANCE MEASURES / INDICATORS		TOTAL	PERCENTAGE GOAL ACTUAL
1.	Conduct application submittal completeness review of all residential proposals within 30 days of application submittal.	*	*
2.	Issue a decision on all residential project discretionary requests within 45 days of application noticing.	*	*
3.	Conduct project proposal conformance with zoning ordinance review for all residential projects within 60 days of application completion.	*	*
4.	Process all commercial project proposals within the timeframes established by California Environmental Quality Act (CEQA), Permit Streamlining Act, and project timelines.	*	*
5.	Respond to all public counter, telephone and e-mail inquiries within 24 hours.	*	*

*New performance measures / indicators are currently being developed and will be available for the next quarterly report.

Permit Services Division:

During this first full quarter as a separate Division, the Permit Services Division continued its primary tasks of permit issuance and records maintenance, in addition to special projects designed to increase efficiency for staff and convenience for customers.

During this Quarter, 541 permits were issued and 113 building plan checks were taken in. This is compared to 491 permits and 95 building plan checks in the same quarter last year. Geology, Environmental Health, Coastal Engineering, Building Inspectors, and Permit Services Technicians assisted 2922 customers at the public counter during this quarter, an average of 45 people per day. This does not include Planning Division contacts.

Overall, the goal of Permit Services has been to expedite the process for applicants, within the confines of the review process, and to foster communications and coordination of efforts among the various City divisions and departments involved in the development process.

There are four significant projects to report:

- Credit card acceptance at the counter
- Online permit applications
- A parcel based development database
- In-house routing of referral sheets

With assistance from the Administrative Services Department, arrangements were made to accept credit cards for Planning and Building transactions. This service has been very popular with customers and makes it much more convenient to pay for permits and other fees.

One of the major projects this Quarter was the addition of online building permits. Permit application forms were designed and added to the City website. During the first phase of this project, customers were able to download applications and then submit them by email or fax. Phase two of the project was the designing of permit application forms that could be filled out and submitted online. This was done with the assistance of the company which designed the City website, Pandemic. These online permit applications went "live" on the website during the first week in July. Work eligible for online submittal includes re-roofs, plumbing repairs, electrical repairs new electrical wiring, mechanical repairs, and excavation. These online permits are being qualified as strategies by the Planning Division for the Metropolitan Transportation Authority's Congestion

Management Plan and may provide the City additional "remote access to government information/transactions" credits in the next fiscal year.

An ongoing project is the creation of a database to track development activities on each parcel in Malibu. This project began prior to the department reorganization but was initially designed only to track Planning projects. Following the reorganization, it became apparent that the database needed to be broader in scope. When completed, it will contain a record for every parcel in Malibu. Information on current Planning projects, associated Building Plan checks, and the status of any violations will also be included, along with cumulative totals for parcel development, such as cumulative grading totals and cumulative total development square footage and impermeable lot coverage.

This database is expected to be complete and populated prior to the next quarterly review.

The database will continue to undergo changes, including the addition of information about onsite wastewater treatment systems, until it serves as a comprehensive database of information about each parcel in the City.

In order to make the database functional, a list of addresses and parcels within the City limits first had to be acquired. As part of the Building Division's wastewater management grant, a complete database of parcels was purchased from the L.A. County Assessor's Office. The database contained, however, information on parcels in the adjacent County areas. By review of the parcel information in conjunction with the GIS maps, non-City parcels were eliminated and the result was our first database of parcels and addresses in the City limits.

Permits Services has been working closely with the Planning Division to design a method for the in-house transmittal of Planning referrals to Environmental Health, Geology, Biology, and Coastal Engineering. Since late June, applicants who submit a project to Planning, may pay Geology and Environmental health review fees, if any, to the Planner accepting the project. The referral sheets and plans are then transmitted in-house, relieving the applicant of the need to return during Environmental Health or Geology counter hours on Mondays and Thursdays.

Environmental and Building Safety / Inspections Division:

The rough grading policy and guidelines have been recently updated to reflect current codes, ordinances, and grading policies established by the City. These new policy guidelines streamline the inspection and documentation of grading projects, and enable the client or subcontractor to better assist the Department in processing their Rough Grading and Final Grading Approvals. A comprehensive, straightforward checklist has been developed which outlines the exact requirements to achieve these goals. These guidelines will also reduce

staff time and enable all inspectors to assist in the inspection process.

The 2001 Building Code, effective in Malibu as of November 1, 2002, added a requirement for plan review and permitting of parking lot restriping projects. A process was developed, in conjunction with the Planning and Permit Services Divisions, for review of these plans by both Planning and Building Safety, prior to issuance of the permit. A comprehensive handout was developed which provides specific information and details necessary to meet Americans with Disabilities Act standards and directions for expedited permit issuance. This program will assure compliance with the newly adopted code for re-striping. This program facilitates the process for both the client and for staff

Work is ongoing for creation of a process for the issuance of "Operating Permits" for onsite wastewater treatment systems. This program will ensure compliance with the City's Wastewater Management Program and assist the City in accounting for all installed and future facilities. Staff will eventually catalogue all systems within the City and provide a direction for future programs and ordinances to assure compliance with City, State, and Federal guidelines and ordinances. This program establishes criteria for registering inspectors, system designers, and inspection protocol of systems to provide uniform inspection, documentation and design methodology of these facilities. All elements of this program should be implemented by October, 2003.

A training program has been established to certify inspectors of onsite wastewater treatment systems. The City will utilize the services of National Association of Wastewater Transporters (NAWT), an accredited, nationally recognized association. Larry Young and Craig George are currently registered and certified by NAWT. This program will assure that inspectors meet established standards for the knowledge of the operation of systems, the inspection of systems, and the required documentation of the inspected system that must be presented to the City for record keeping purposes. The next scheduled training program with NAWT is set for mid-August and will be hosted by the City as a component of this program.

A system has been established to expedite the tracking of grading projects from the time of submittal through completion and acceptance of the grading project. Staff and clients will be able to track the status of grading projects and determine what issues remain outstanding. This will reduce the amount of staff time required for tracking grading projects and will enhance customer service.

The digitization of all onsite wastewater facility files, including site location maps, has been undertaken. This will assist both staff and clients in review the status of onsite wastewater systems and facilitate the management of the wastewater management programs that the City has undertaken.

A review is being undertaken of the active building permit files to cull old or outdated permits. All possible attempts are being made to complete the inspection process and final permits that have become outdated. This will ultimately reduce staff time by not having to issue letters or correspondence, then having to follow-up on these letters with more time investments by staff. This will also help the public by maintaining files with updated permit information availability.

An emphasis has been placed on consistency in documenting inspections for projects under construction. Additionally, criteria have been established for department and agency reviews of projects nearing completion and awaiting final building inspections. By assuring that these final reviews are accomplished in a timely fashion and properly documented, the project history will be more accurate and provide a better reference for staff and clients in the future.

Environmental and Building Safety / Permit Services		
Goals and Objectives for Fiscal Year 2002-2003		
GOALS AND OBJECTIVES	STATUS	COMMENTS
1. Continue departmental involvement with professional organizations and client groups to develop a less complicated method for the plan review and permitting of minor construction projects	On going	Staff is in the process of developing and organizing seminars and workshops that will be offered to stakeholders regarding changes in the 2001 consolidated codes. These seminars and workshops should be completed by December, 2003.
2. In cooperation with Planning, Engineering and Fire Departments, develop a permit processing system that reduces the applicant's need to physically move the plans and documents through the reviewing agencies	Complete	A process has been implemented. The process will be monitored for effectiveness and adjusted or modified as necessary.
3. Deliver to the City Council for consideration the 2000 State of California Codes (T-24) with Los Angeles County and local amendments	Complete	Delivered to and passed by the City Council on October 14, 2002.

4.	In cooperation with the City Clerk, transfer permit and geology records to a computer based system	Delayed but on going	On October 14, 2002, the City Council approved a fee schedule that provides a funding source for this objective. Also see Council goal regarding permit streamlining for an update on electronic imaging of documents.
5.	Develop Code Enforcement procedures manual	Behind Schedule	Delayed due to the volume of requests for investigation and other more pressing assignments given to the Permit Services Division.
6.	Develop, present for review and approval and implement segments of a risk based wastewater management plan	On going, on schedule	Several elements of the City's Wastewater Management Plan were adopted by the City Council on October 14, 2002. Implementation is proceeding. Delivery of a draft Point of Sale On-site Wastewater Treatment System Inspection Ordinance is tentatively scheduled for September, 2003.
7.	Continue departmental involvement in the development of statewide regulatory standards for decentralized wastewater treatment systems as mandated by AB885	On going	No new action by the State due to State budgetary issues.
8.	Develop an accurate survey of the location, size and condition of on-site systems in the City	On going, on schedule	This goal is an element of the Proposition 12 Groundwater Study which is currently underway.
9.	Continue departmental involvement with the Santa Monica Bay Restoration Project Septic Systems Task Force	On going	Staff attends monthly meetings. Staff received the support of the Task Force for the amendments presented on October 14, 2002.

10.	Continue the work of the City Wastewater Advisory Committee	On going	Staff continues to work with the Committee on the development and implementation of the City's Wastewater Management Plan.
11.	Implement elements of Proposition 12 grant project as outlined in the work plan regarding the effects of private sewage disposal systems on groundwater in the study area	On going	Monitoring wells are in place in all locations and data is being collected. A request for an extension on the time line for completion was submitted and granted by the State Water Resources Control Board for June 30, 2004
12.	Develop and implement a community based outreach and education program on the appropriate management and operation of onsite wastewater treatment systems	On going, behind schedule	Under development at this time. Significant elements of this objective will be accomplished through the CBI Proposition 13 Grant project approved by the City Council in June 2003.
13.	Acquire all onsite wastewater system records from the Los Angeles County Department of Health, transfer to and maintain on a computer database	Delayed	Staff anticipates that this task can be fully funded and completed as an element of the Proposition 13 Grant Fund project. A formal letter requesting the transfer of those records has been submitted to the Director of the Los Angeles County Health Department.

Performance Measures / Indicators for Fiscal Year 2002-2003

PERFORMANCE MEASURES /		TOTAL (fiscal year to date)	PERCENTAGE	
INDICATORS			GOAL	ACTUAL
1.	Provide construction inspections within 24 hours of request	6465 inspections	99%	99%
2.	Compete initial plan checks within 10 working days	328 Plan Checks	10 days	13.1 days
3.	Complete initial geology review within 10 working days	194 reviews	10 days	9.5 days

Performance Measures / Indicators for Fiscal Year 2002-2003

PERFORMANCE INDICATORS	MEASURES /	TOTAL (fiscal year to date)	PERCENTAGE	
			GOAL	ACTUAL
4.	Return all phone calls within 24 hour period	3414 calls	100%	90%
5.	Respond to all reports and inquiries regarding possible violations of zoning, housing, fire, and property maintenance codes and the City's sign ordinances within 24 hours to one week, depending on the nature of the complaint. Investigate all violations in accordance with Council policy and respond to inquiries regarding the status of investigations.	1320 responses	100%	84%